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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY	DEPUTY

Peter Pototsky
HCl Box 56
Elgin, AZ 85611
520.216.6381

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

CIV12- 764 TUC RCC

Peter Pototsky,)	Case No.:
)	
Plaintiff,)	Complaint
)	
vs.)	
)	
Department of the Army,)	
)	
Defendant)	

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552, 42 U.S.C. § 1983, § 1985 to order the production of agency records, concerning:

- A. Any and all contracts between the Army and Raytheon (RTSC) involving the training provided by the latter regarding Unmanned Aerial Systems (UAS) at Ft. Huachuca, Arizona.
- B. Any and all documents, pertaining to or resulting from a "2-13th Command Climate Survey (UNCLASSIFIED) initiated by Paula L. Bari, SFC, USA, November 14, 2011.

2. This court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) , 42 U.S.C. § 1983, § 1985.

3. Plaintiff, Peter Pototsky, is a researcher and is the requester of the records which defendant is now withholding. Plaintiff has requested this information for use in an educational or news story and prompt release of the information is important because of the immediate public interest in this information.

4. Defendant Department of the Army, "DOA" is an agency of the United States and has possession of the documents that plaintiff seeks.

5. By letter dated April 12, 2010, plaintiff requested access to the "Contract" and "Command Climate Survey." A copy of this letter is attached as Exhibit 1.

6. By letter dated June 7 and June 11, 2012, plaintiff was denied access to the requested information on the grounds that it was exempt from disclosure but was not a denial of records under the FOIA. A copy of this letter is attached as Exhibit 2.

7. By letter dated June 20, 2010, plaintiff appealed the denial of this request. A copy of this letter is attached as Exhibit 3.

8. No such letter denying my request under the FOIA has ever been transmitted. No such letter describing my appeal rights has ever been transmitted. The "DOA" has willfully and intentionally denied Plaintiff his rights under a myriad of laws for nefarious purposes and cover-up. All time limits imposed by the FOIA have passed.

9. Plaintiff has a right of access to the requested information under 5 U.S.C. § 552, and there is no legal basis for defendant's denial of such access.

WHEREFORE, plaintiff requests this Court:

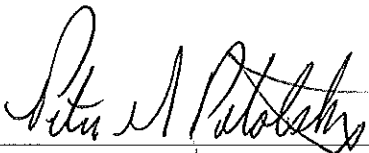
(1) Order defendant to provide access to the requested documents;

(2) Expedite this proceeding as provided for in 28 U.S.C. § 1657;

(3) Award plaintiff costs and reasonable fees in this action, as provided in 5 U.S.C. § 552(a)(4)(E); and

(4) Grant such other and further relief as may deem just and proper.

Respectfully submitted,



Peter Pototsky

HC1 Box 56, Elgin, AZ 85611

Dated this 10/17/12

April 12, 2012 amended 5/4/12

Peter Pototsky
HC1 Box 56
Elgin, AZ 85611

TRADOC Office of the G-6
Freedom of Information Office (ATIM-II)
661 Sheppard Place
Fort Eustis, VA 23604-5733

Re: Freedom of Information Act Request

Dear Sir:

This is a request under the Freedom of Information Act, 5 USC §. 552.

I request that a copy of the following documents [or documents concerning the following subject matter] be provided to me:

1. Any and all contracts between the Army and Raytheon (RTSC) involving the training provided by the latter regarding Unmanned Aerial Systems (UAS) at Ft. Huachuca, Arizona.
2. Any and all documents, pertaining to or resulting from a "2-13th Command Climate Survey (UNCLASSIFIED)" initiated by Paula L. Bari, SFC, USA, November 14, 2011. (describing e-Mail attached.)

In order to help to determine my status for purposes of determining the applicability of any fees, you should know that I am researching the working conditions of this facility as it pertains to civilian contractors and is not for a commercial purpose.

I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.

I request that the information I seek be provided in electronic format, and I would like to receive it on a CD-ROM. I am willing to pay up to \$25.00 for the processing of my request.

Thank you for your consideration of this request.

Sincerely,

Exhibit 1



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS UNITED STATES ARMY GARRISON
2218 6TH AVENUE
FORT RUCKER ALABAMA 36362-5105

June 7, 2012

Human Resources Directorate

Mr. Peter Pototsky
HC1 Box 56
Elgin, AZ 85611

Dear Mr. Pototsky:

This is in response to your Freedom of Information Act (FOIA), request (FOIA Case #12-0042).

The information you requested has been referred to two different offices. In reference to contracts, your request has been referred to PEO STRI, ATTN: SFAE-STRI-BOO, FOIA Office, 12350 Research Parkway, Orlando, FL 32826-3279. They will respond to you directly.

The climate survey you requested is being withheld under Exemption 5 a (7). This part of your request is being referred to Defense Equal Opportunity Management Institute, 366 Tuskegee Airman Drive, Building 352, Patrick Air Force Base, FL 32925-3399. They will make release determination and respond directly to you.

This letter does not constitute a denial of your request under 5 USC § 552(a)(6)(A).

Fees have not been incurred.

If you need further assistance from this office, contact Phaedra Lecuyer at 334-255-1363.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah L. Seimer", is written over a horizontal line.

Deborah L. Seimer
Director of Human Resources

Exhibit 2



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS UNITED STATES ARMY GARRISON
2218 6TH AVENUE
FORT RUCKER ALABAMA 36362-5105

June 20, 2012

Human Resources Directorate

Mr. Peter Pototsky
HCl Box 56
Elgin, AZ 85611

Dear Mr. Pototsky:

This is in response to your Freedom of Information Act (FOIA), request (FOIA Case #12-0042).

The climate survey you requested is being withheld under Exemption 5 a (7). I initially referred the request to the Defense Equal Opportunity Management Institute, 366 Tuskegee Airman Drive, Building 352, Patrick Air Force Base, FL 32925-3399; however, they are not the correct Initial Denial Authority. I have now forwarded this request to the Deputy Chief of Staff, G1, ATTN: DAPE-ZXM, 300 Army Pentagon, Room 1D374, Washington, DC 20310-0300. They will respond directly to you.

This letter does not constitute a denial of your request under 5 USC § 552(a)(6)(A).

Fees have not been incurred.

If you need further assistance from this office, contact Phaedra Lecuyer at 334-255-1363.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah L. Seimer", is written over a horizontal line.

Deborah L. Seimer
Director of Human Resources

Exhibit 2

p2

From: P2 <sheepdog2005-1@yahoo.com>
Sent: Thursday, June 28, 2012 9:58 AM
To: Guerzon-Contractor, Georgina
Subject: Re: FOIA FA-12-0030 (UNCLASSIFIED)

"The civilian workers at the Army's Ft. Huachuca Unmanned Aerial System, "UAS" training facility are subjected to a torrent of abuse by Raytheon Technical Service Company's, "RTSC," management techniques. They live in constant fear of losing their jobs, their health and even their lives. "Rules" are made up in an irregular and ever changing fashion, going deep into the realm of deviant harassment. The workers face a management culture that is a cross between the Boy Scouts and some border style militia group. "Power" is the goal and inflicting that power the intent. The workplace is a prime example of a severe hostile work environment...."

"The most grueling labor practice that was instituted at this work place was the constant NO NOTICE testing of the employees. On a weekly, biweekly, monthly or just when someone got a "hair up their ass," RTSC directed its employees to take Army subject tests to prepare for a D.E.S. inspection. They also required its employees to maintain "RL-1 status," which is a combatant designation."

"These tests are prepared from an encyclopedia of Army publications and the topics have very little to do with the civilian job description. They are also of such caliber as to doubt the real intent of such testing."

"The following question was on the most recent test that I took:

25. The sleep environment should be cool, dark, and quiet. It is best to avoid working or reading in bed, which could contribute to problems with falling asleep. The bed should be associated only with _____. (TC 3-04.93)

- a. Reading before bed
- b. Sleeping and sexual activity. (Correct Answer)**
- c. Watching TV before bed.
- d. Sleeping"

What does such an intrusion upon the personal lives of civilian employees have to do with the UAS operations??? Why should a civilian lose his job because of such a ridiculous question?

Jack Wilson, Fred Prince and Victor Hamilton insist the "contract" permits them to direct such abusive tactics. Yet, they will not permit the employees to even view the contract; it is a secret document intended only to be interpreted by the few.

The civilian employees must have access to the contract. As such, I am requesting that you waive all fees as the release of this document is of public interest, particularly to the hundreds of civilian employees that have been subject to the contract and its harassing directives..

Peter Pototsky

Exhibit 3

CC: Ron Barber, U.S. Congress

From: "Guerzon-Contractor, Georgina" <georgina.guerzon@us.army.mil>
To: 'P2' <sheepdog2005-1@yahoo.com>
Sent: Wednesday, June 27, 2012 1:01 PM
Subject: RE: FOIA FA-12-0030 (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Sir,

As I stated in my letter to you dated 11 June 2012, any and all documents pertaining to or resulting from a "2-13th Command Climate Survey" initiated by SFC Paula L. Bari, USA, on 14 November 2011, do not belong to PEO STRI. Those records fall under either the U.S. Aviation Center of Excellence and Fort Rucker or Patrick Air Force Base. On 8 June 2012, I spoke with Ms. Phaedra Lecuyer at Fort Rucker about your request and she said her office had received it from Fort Garrison and they were working on it. You may reach her at phaedra.d.lecuyer.ctr@mail.mil or (334)255-1363 for a status of that record.

Regarding all of the UAS contracts PEO STRI has with Raytheon, there are 5 Task Orders, each with multiple modifications and various attachments. If you are seeking every single record, that is 180 records totaling 839 pages. There is a potential cost associated with processing these records. Please see the attached spreadsheet that breaks down the types of records, the number of records and their page numbers. Please let me know what option you are interested in. You must also state the amount you are willing to pay. The fee schedule is also attached for your review.

V/R,

Gina Guerzon
Assistant to the FOIA Officer
Business Operations Office
PEO STRI SETA Contract
Email: georgina.guerzon@us.army.mil
Office: (407)384-3960
Fax: (407)384-5130

-----Original Message-----

From: P2 [<mailto:sheepdog2005-1@yahoo.com>]
Sent: Wednesday, June 20, 2012 9:33 PM
To: Guerzon-Contractor, Georgina
Subject: FOIA FA-12-0030

1. I want ALL the UAS training contracts that are legally binding on Raytheon, as expressed in my original request. Any such non-conforming copies are gibberish.
2. Reference the command climate survey: Once these facts have been submitted to the government, they become a public record. That was made clear when filling out the survey. Your attempt to get comments is a delaying tactic that will not be tolerated.

I consider your letter of June 11, 2012, to be a denial of my rights under the FOIA. As such, you will immediately provide me with your appeal authority information so that I may conclude this matter expeditiously and without further delay. I will also send a copy of your letter to my Congressman to show how much contempt you have for the laws of the United States.

Peter Pototsky

Classification: UNCLASSIFIED

Caveats: FOUO